

Minutes: PH March 3, 1983

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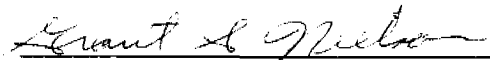
charitable remainder trusts, 7 beneficiaries, each had a dual beneficiary. They were to be paid from the proceeds of the trust fund through the lifetimes of the dual beneficiaries and were paid 6% interest on the amount that they put on. That had to be adjusted annually by a cost of living index until it reached a ceiling of 10%. I believe that since approximately 1963, that county ordinances provide that where counties are owning assets or contributing money to the operations of organizations like the hospital, they have been required to have an audit. I know that your hospital has been audited. Our auditing firm has audited the hospital and the trust fund from 1970 through 1980."

The Mayor stated that the city has requested that the county review the audits and other documents and County Commissioner Styler agreed that this would be done.

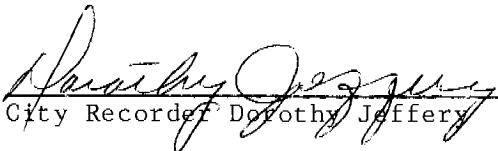
The City Attorney reported that the city council has directed the mayor, who solicited the help of the city administrator, the city auditor and the city attorney, to look into the effect of the city joining the hospital district formally. The city review of the financial statements and other materials has reached a point at which the city has turned all of those materials over to the county. Those things will be carefully reviewed and a public report will be made available, possibly by the county and the hospital district.

The citizens were asked if the city should proceed and adopt the resolution? It was determined that the city should be a part of the hospital district, but not at this time.

The Mayor adjourned the hearing at 7:52 p.m.



Mayor Grant S Nielson


City Recorder Dorothy Jeffery

MINUTES OF A REGULAR CITY COUNCIL MEETING HELD MARCH 7, 1983

PRESENT:

Grant S Nielson
Max Bennett
Don Bird
Don Dafoe
Ruth Hansen
Willis Morrison

Mayor
Council Member
Council Member
Council Member
Council Member
Council Member

OTHERS PRESENT:

Vance Bishop
Warren Peterson

City Administrator
City Attorney

Dorothy Jeffery
Gregory Cooper
Ray Valdez
Neil Forster
John Quick
Pat Davies
Jim Fletcher
Vera Giles
Ralph Kmetzsch
George Van de Vanter
Inez Riding

City Recorder
Chief of Police
City Building Inspector
Public Works Superintendent
City Engineer
City Clerk
Martin Ludwig
Carolyn Randolph
George Ostler
Mike Van De Vanter

Mayor Nielson called the meeting to order at 7:00 p.m. and stated that notice of the time, place and agenda of the meeting had been posted at the principal office of the governing body and had been provided to the Millard County Chronicle, the Millard County Gazette and the local radio station KNAK, and to each member of the governing body by personal delivery of copies of the Notice and Agenda two (2) days prior to the meeting.

MINUTES

The minutes of a public hearing held February 28 (6:30 zone change) were presented and considered by the council. Councilman Don Bird MOVED and Councilman Don Dafoe SECONDED a motion to approve the minutes as corrected. The motion carried unanimously.

The minutes of a public hearing held February 28 (6:45 zone change) were presented and corrected by the council. Councilman Bird MOVED and Councilman Dafoe SECONDED a motion to accept the minutes as corrected. The motion carried unanimously.

The minutes of a regular City Council meeting held February 28, 1983 were presented to the council members. Council Member Don Dafoe MOVED to approve the minutes as corrected. Council Member Willis Morrison SECONDED the motion, which carried unanimously.

ACCOUNTS PAYABLE

City Recorder Dorothy Jeffery presented the list of accounts payable to the Council Members. After discussion to pay the charge discussed last week from Utah Power & Light at the airport, Mr. Bishop was asked to follow through on the problem. Councilman Morrison MOVED and Councilman Bird SECONDED a motion to pay the current bills with the exception noted. The motion carried unanimously.

ACTON CABLE TV

Mr. Ralph Kmetzsch of Acton Cable TV, introduced George Ostler and reported that Acton hopes to have their cable television system completed by April 1. Mr. Kmetzsch urged completion of the Northeast Annexation where Acton is to be located. Mr. Kmetzsch asked that if any questions or

problems arise concerning the Acton activities, that the Sandy office should be advised.

TASK FORCE ON COMPLAINT AGAINST TRIPLE QUICK

After advice from the City Attorney and City Administrator, Councilman Bird MOVED to go into a closed session for the purpose of having Mr. Bishop and Mr. Peterson point out some possible subjects which should not be discussed to avoid possible civil liability on the part of the city. Councilman Morrison SECONDED the motion, which carried Unanimously. At the closed session, Councilman Dafoe MOVED and Councilman Morrison SECONDED a motion to reconvene into regular session. The motion carried unanimously. At the request of Mayor Nielson, City Attorney Warren Peterson read Section 10-243 of the city ordinance wherein a public nuisance is defined and read a recommendation from the investigative committee which states:

Pursuant to our assignment as Investigative Advisory Committee to Mayor Nielson and the Delta City Council to assist in determining if, and to what extent the business or facility known as Triple Quick has become a nuisance to persons (in this case Vera Giles and tenants of the Willden Motel) situated within the municipal limits or that ample control is not being exercised to minimize the creation of excessive odors, fumes, smoke, gases and noise, the following statement, findings, and recommendations are herewith presented for your review.

It is the opinion of this committee that on occasion Mrs. Giles does have a legitimate annoyance to voice regarding the noise proceeding not specifically from the business known as Triple Quick, but rather the motor vehicles under the control of the customers who are conducting business transactions there, the customers themselves and their companions who may on occasion loiter about the area.

Some of the foremost grievances Mrs. Giles voices are the following, which occur from 10 o'clock p.m. and later:

1. Noise proceeding from the motor vehicles under control of Triple Quick customers. This is usually incident to the business transactions, as customers will often exit through Mrs. Giles parking lot, disturbing her and her tenants.
2. Noise proceeding from the customer, their companions or others who loiter in the area socializing.
3. Rubbish which has been discarded and left on her property. (i.e.; bottles, cans, other paraphernalia)
4. Motor vehicles which are parked on her property by customers of Triple Quick creating an inconvenience to her and her customers.
5. Large heavy duty trucks, which either park or drive through

her driveway while conducting business transactions in Triple Quick. These trucks can be very damaging to her black top parking area.

Incidentally, these complaints have been verified by personal observation of members of this committee and Mrs. Giles has several photographs she has taken of such grievances.

We are of the opinion that on these occasions when the above grievances occurred that Mrs. Giles' complaint is legitimate and understandable.

In behalf of Triple Quick and the owners Mike and George Van we offer the following observations. Although the reported incidents have occurred, we feel that the Vans have attempted to exercise control to minimize the creation of excessive noise. Mrs. Giles has also stated that especially in the last few weeks these inconvenient incidents have greatly improved and appreciates their efforts in minimizing the problem.

Under the present circumstances due to the conflicting nature of the businesses and the close proximity involved, it would be required of the Vans to police the area continually, which is unreasonable.

Mrs. Giles and the Vans have implemented several alternative solutions, which have improved the situation, however has not terminated it.

Finally, after deliberating over several recommendation, this committee agrees that the best one would be to construct a fence between the Willden Motel and Triple Quick. Unfortunately, there is an easement between the properties which would forbid building there. Mrs. Giles has agreed to attempt through the legal process, if necessary, to have the easement removed. She is presently under the opinion that this can be accomplished without too much constraint. If unsuccessful in removing the easement, she does have an option of placing the fence on her side of the easement.

One other consideration is to request the video game room be closed at 10 o'clock p.m. or 11 o'clock p.m. This would discourage the game playing, but would not necessarily discourage socializing and meeting place for people at Triple Quick as it is the only business open 24 hours a day.

Although it may minimize some juvenile traffic, it would not impede adult traffic conducting business or social activities there. It is very apparent that juveniles are not the only group creating the problem. However, it is reasonable to believe that a 10 o'clock or 11 o'clock curfew enforced on the game room may contribute to minimizing traffic for certain groups. If implemented however, this alternative would most likely set precedent for all video game rooms and even just single games which are located in other businesses.

This is submitted for your perusal. If we may be of further assistance, please advise us.

Signed: Gregory M. Cooper, Chief of Police

Mrs. Vera Giles asked if she were the only one complaining against Triple Quick and Police Chief Cooper answered that from those neighbors interviewed, apparently so. Mr. Mike Van suggested that a solution might be for Mrs. Giles to block the back of her property for awhile so that the persons driving through would not do so and would get used to going another way. He further suggested that the city could put some gravel on the east side of Triple Quick to eliminate the mud. When asked by the Mayor for a recommendation, the city attorney said that the city could follow the ordinance procedure or allow time for the two parties to work out their problems. Mr. Mike Van stated that a suit has been filed against Mrs. Giles because of bad publicity from the issue and that there is a possibility it would also be filed against the city. Mrs. Giles stated that she thought progress had been made, but felt that the Vans would not carry through. Councilman Willis Morrison MOVED to table the issue until Mrs. Giles is able to have the 30' easement removed and further MOVED that the city would put gravel on the east side of the Triple Quick. Councilman Don Dafoe SECONDED the motion, which carried unanimously.

AMENDMENT TO THE ZONING ORDINANCE/MEADOW PARK SUBDIVISION

After discussion on the changes in the ordinance, Councilman Don Dafoe MOVED to adopt Ordinance #83-55 entitled:

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF DELTA, UTAH (ORDINANCE NO. 81-26) TO CHANGE OF CERTAIN ZONING DISTRICT BOUNDARIES TO INCLUDE ADDITIONAL PROPERTIES IN THE SINGLE FAMILY RESIDENTIAL (R-1B) ZONE.

Councilman Max Bennett SECONDED the motion and the vote follows:

Max Bennett	Aye
Don Bird	Aye
Don Dafoe	Aye
Ruth Hansen	Aye
Willis Morrison	Aye

The city attorney presented a proposed amendment to the city ordinance restricting the sale of beer, in conjunction with game rooms.

CONSIDERATION OF CITY BUILDING/LIBRARY PLANS

The Mayor, Council Members, City Administrator and others discussed changes in the floor plan of the proposed city building. The changes will be presented to the architect for his opinions on the feasibility of the changes. Councilman Bennett MOVED to accept the floor plan incorporating the changes noted. Councilman Dafoe SECONDED the motion, which carried unanimously.

OTHER BUSINESS

-Mrs. Inez Moody voiced her concerns to the council on the criticism received by the city on the project at the city park. Mrs. Moody said

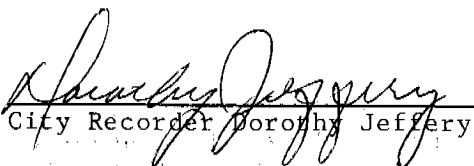
that the Chamber of Commerce Board thought that her idea of a rose garden in the controversial corner had merit. Mrs. Moody's plan included spelling out "Delta City" in rock on the berm and negotiating with the hospital board to reacquire the play park near the hospital. The mayor asked for a letter of recommendation from the Chamber and stated that the issue would be discussed next week.

-Councilman Bennett MOVED that the following statement concerning the city's stand on joining the West Millard Hospital District should be made public: "Delta City is not taking any actions by the request of the county because we asked for information prior to any action we took on the relationship with IHC, with their contract and dealings with Trust 101 and with the hospital districts financial statement. The county requested that no action be taken until they could furnish the requested information. When the City gets that information a public hearing be held to let everyone know the answers to the questions before the city makes any decisions about belonging the the hospital district." Councilman Don Bird SECONDED the motion, which carried unanimously. Councilman Bennett stated that this should be made available so that the public is informed as to why the city is not taking action on the resolution.

-City Engineer John Quick reported to the council that Steven L. Weaver is requesting a payment of \$44,895.74. Mr. Quick said that Steven Weaver is 85% complete and has some connections, manholes and lift station work to complete. Councilman Bird MOVED to pay Steven L. Weaver \$44,895.74 for the work on Phase I of the water improvement project. Councilman Bennett SECONDED the motion, which carried unanimously.

-Attorney Warren Peterson reviewed with council a request from a reserve officer to carry a gun during off-duty hours. City Administrator Vance Bishop recommended against allowing off-duty reserve officers to carry weapons. It was the consensus of the council members that the city weapons policy for police officers should not be changed at this time.

After a discussion on gasoline and diesel prices Councilman Bird MOVED to adjourn the meeting. Councilman Dafoe SECONDED the motion, which carried unanimously. The Mayor adjourned the meeting at 9:23 p.m.


City Recorder Dorothy Jeffery


Mayor Grant SnNielsen